



THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

JOSEPH M. TRACY
STATE ENGINEER

August 23, 1955

RE: RESTORATION OF BEAR RIVER

On August 12, 1955, at the hour of 3:30 p.m. a meeting was held in the office of the State Engineer to discuss the proposed restoration of the Bear River and its tributaries. Those in attendance at the meeting are as follows:

Joseph M. Tracy	State Engineer
E. O. Larson	Regional Director, Bureau of Reclamation
George D. Clyde	Utah Water & Power Board
Mr. Thomas	Bureau of Reclamation
Mr. McMasters	Bureau of Reclamation
Raymond J. Madsen	Utah Water & Power Board
L. C. Monson	Chief Deputy, State Engineer
Robert B. Porter	Asst. Attorney General
Joseph Novak	State Engineers Office

Mr. Tracy opened the meeting with a brief statement of its purpose. Mr. Tracy pointed out that the Bear River and its tributaries were originally withdrawn by proclamation of the Governor on November 9, 1938. Thereafter a partial restoration was made by proclamation of the Governor dated April 10, 1946. The partial restoration restored the right of the public to appropriate water from wells, tunnels and drains for domestic and stockwatering purposes. A further partial restoration proclamation was issued on June 13, 1950 whereby the right of the public to appropriate water for municipal, domestic and stockwatering purposes from the Bear River and its tributaries was restored, limited, however, by 2 sec.-ft. of water for any one project. On June 2, 1949 the Logan River and its tributaries were fully restored for all lawful purposes.

Mr. Tracy pointed out that for a number of years after the original withdrawal proclamation in 1938, it was considered that underground water had not been withdrawn. The partial restoration in 1946 restoring water from wells, tunnels and drains for domestic and stockwatering purposes created an inference, at least, that such underground water had been withdrawn. The reasoning is that if the underground water had not been withdrawn there was no purpose in issuing the partial restoration proclamation. In an effort to settle the status of the underground water, the possibilities of restoring the underground water were examined. After considerable discussion of the matter, it was decided to investigate the possibilities of making a complete restoration of all waters of the Bear River.

Mr. Tracy pointed out that the waters of the Bear River have been withdrawn for approximately 17 years. Since the withdrawal proclamation temporarily suspended the right of the public to appropriate such waters it may be very difficult to sustain such withdrawal proclamation if contested. Mr. Tracy further pointed out that the states of Wyoming and Idaho have imposed no restrictions on their users as far as the development and use of the water in the Bear River Drainage.